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9
 10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12	ALETA ROSE GOODWIN, et al.,)	
13)	CASE NO: 3:09-CV-00306-ECR-PAL
14	Plaintiffs,)	
15)	
16	vs.)	DEFENDANT SAXON MORTGAGE,
17)	INC.'S MOTION TO REFLECT ITS
18	EXECUTIVE TRUSTEE SERVICES, LLC, et al.,)	TERMINATION FROM THIS CASE
19)	
20	Defendants.)	
21)	

22 Defendant Saxon Mortgage, Inc. respectfully moves this Court to direct the Clerk to update
 23 this case's online docket to reflect Saxon's termination from this case.

24 Plaintiffs' Second Amended Class Action Complaint asserted five claims against Saxon:
 25 unjust enrichment (Count II), wrongful foreclosure (Count III), wrongful filing of unlawful detainer
 26 (Count V), conspiracy to commit fraud related to the MERS system (Count VI), and conspiracy to
 27 commit wrongful foreclosure related to the MERS system (Count VII). [Doc. No. 443]. These
 28 claims were transferred to the District of Arizona and assigned to Judge James A. Teilborg in case
 number 09-2119-JAT. [See MDL Transfer Order, Doc. No. 412]. Judge Teilborg subsequently
 remanded to this Court Count V and retained the remaining claims asserted against Saxon. [Doc.
 No. 453].

Saxon filed a motion to dismiss Count V [Doc. No. 464], which this Court granted on
 December 2, 2010 [Doc. No. 546]. Plaintiffs filed a notice of appeal of the order granting the
 motion to dismiss [Doc. No. 563], and the Ninth Circuit Court of Appeals affirmed the order on June

1 12, 2014. [Doc. No. 583].¹ Accordingly, there are no claims currently pending against Saxon in this
2 Court.

3 In the MDL, Saxon filed a motion to dismiss the claims transferred from this Court [MDL
4 Doc. No. 289], and that motion was granted on September 30, 2010 [MDL Doc. No. 1170].
5 Plaintiffs' Consolidated Amended Master Complaint—the most recent iteration of the complaint—
6 did not assert any claims against Saxon in the MDL. [See MDL Doc. No. 1424]. Moreover, the
7 MDL court entered an order on October 3, 2011 dismissing with prejudice all claims in the *Goodwin*
8 case. [MDL Doc. No. 1602 at p. 20]. The Ninth Circuit Court of Appeals affirmed the order as to
9 all counts except for the First Claim for Relief. [MDL Doc. No. 1797]. But the First Claim for
10 Relief was not asserted against Saxon [see MDL Doc. No. 1424 at p. 7], so the only claims still
11 pending in the MDL are not asserted against Saxon.

12 Thus, all claims against Saxon in the *Goodwin* case have been dismissed, and the dismissal
13 has been affirmed. But this Court's online docket does not yet reflect Saxon as a terminated party,
14 so Saxon respectfully asks this Court to direct the Clerk to update this case's online docket to reflect
15 Saxon's termination from this case.

16 DATED this 23rd day of October, 2014.

17 Respectfully submitted,

18 /s/ P. Russell Perdew, Esq.

19 P. Russell Perdew (*pro hac vice*)

20 J. Matthew Goodin (*pro hac vice*)

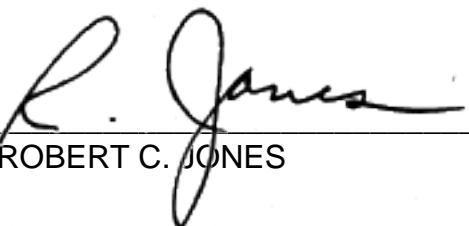
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25 *Saxon Mortgage, Inc.*

26 IT IS SO ORDERED this 5th day of January, 2015.

27 
28 ROBERT C. JONES

¹ The Ninth Circuit's mandate, and this Court's order on mandate are located at Doc. Nos. 584-585.